

JEREMY JOSEPH STROHMEYER,
Plaintiff,
vs.
K. BELANGER et al.,
Defendants.

ORDER

Rule 72(a) permits a district court judge to modify or set aside a magistrate judge's non-dispositive ruling that is clearly erroneous or contrary to law:

Fed. R. Civ. P. 72(a); *see also* Local R. IB 3-1(a). Rule 72(a) institutes an abuse of discretion standard. *See Grimes v. City and Cnty. of S.F.*, 951 F.2d 236, 241 (9th Cir. 1991) (citing *United*

1 *States v. BNS Inc.*, 858 F.2d 456, 464 (9th Cir. 1988) (“We still must determine, however,
2 whether the court abused its discretion in issuing its order based on the facts before it which are
3 supported by the record. Under the abuse of discretion standard, we cannot simply substitute our
4 judgment for that of the district court, but must be left with the definite and firm conviction that
5 the court committed a clear error of judgment in reaching its conclusion after weighing the
6 relevant factors.”)).

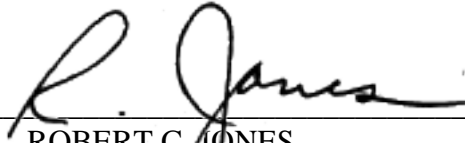
7 The Court does not find the Magistrate Judge’s ruling to have been in clear error or
8 contrary to law. The Magistrate Judge explained that exceptional circumstances warranting
9 appointment of counsel are not present, but only circumstances faced by most incarcerated
10 persons. The Court agrees.

11 **CONCLUSION**

12 IT IS HEREBY ORDERED that the Motion for District Judge to Reconsider Order (ECF
13 No. 32) is DENIED.

14 IT IS SO ORDERED.

15 DATED: This 17th day of February, 2017.

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18 ROBERT C. JONES
19 United States District Judge
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